

*Answer of  
Phillips Investment Co.*

US EPA RECORDS CENTER REGION 5



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October 31, 1980

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Thomas K. Berg  
United States Attorney  
110 South 4th Street  
Room 234  
Minneapolis, Minnesota 55401

Re: United States of America v. Reilly Tar & Chemical Corp., et al  
Civil 3-80-512

Dear Mr. Berg:

Enclosed herewith and served upon you by mail is Answer of Philip's Investment Co. in the above-referenced matter. Thank you for the extension of time to answer herein. Please advise me of the names of all other attorneys appearing so that I may get copies of their pleadings in this matter. Thank you.

Sincerely,

PETERSON, ENGBERG & PETERSON

*Thomas W. Wexler*

Thomas W. Wexler

TWW/cyc  
Enclosure

CC: Clerk of U.S. District Court  
Philip's Investment Co.

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UNITED STATES DISTRICT COURT

DISTRICT OF MINNESOTA

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United States of America,

Plaintiff,

Civil 3-80-512

vs.

ANSWER OF PHILIP'S  
INVESTMENT CO.

Reilly Tar & Chemical Corpora-  
tion; Housing and Redevelopment  
Authority of St. Louis Park; Oak  
Park Village Associates; Rustic  
Oaks Condominium, Inc., and Philip's  
Investment Co.,

Defendants.  
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NOW COMES DEFENDANT, Philip's Investment Co., and for its  
Answer to Plaintiff's Complaint states and alleges:

1. Admits that Defendant Philip's Investment Co. purchased  
Lot 1, Block 6, Oak Park Village from the St. Louis Park Housing  
& Redevelopment Authority, in January 1980, and on information  
and belief admits that said property was part of the Reilly Tar  
site.
2. That it has insufficient knowledge or information to  
admit or deny the balance of the allegations of Plaintiff's Com-  
plaint, and therefore denies the same and puts Plaintiff to its  
proof thereof.
3. That said Complaint fails to state a claim for which  
relief can be granted.
4. Denies that this Court has jurisdiction as alleged,  
or under 42 U.S.C. §6973.
5. That in the event any damage is caused to Plaintiff's  
property by virtue of any investigations, studies, or other  
activities in connection with this action, that this answering  
Defendant must be appropriately compensated therefor.

000347

CROSSCLAIM

NOW COMES DEFENDANT, Philip's Investment Co., and for its Crossclaim against Defendants Reilly Tar & Chemical Corporation, and/or against Housing and Redevelopment Authority of St. Louis Park, states and alleges:

1. That in the event that any damages or penalties are assessed against this answering Defendant or injunctions entered against this answering Defendant and which interfere with its business operations, or in the event that any damage is caused to Defendant's property by virtue of any orders of the Court herein, then Defendant should be entitled to indemnification from Reilly Tar & Chemical Corporation and Housing and Redevelopment Authority of St. Louis Park for the reasons hereinafter alleged.

2. That the allegations of Plaintiff's Complaint are re-alleged and incorporated herein by this reference, and in the event of any relief afforded pursuant to that Complaint, interim or final, then the negligence, fault, and responsibility is that of Reilly Tar & Chemical Corporation, and that their responsibility is active and primary when compared with that of Philip's Investment Co.

3. That Defendant, Housing & Redevelopment Authority of St. Louis Park has made contractual and oral representations to Philip's Investment Co. that it would protect it and indemnify it from damages incurred by virtue of contamination problems relating to the subject property, and Defendant Philip's Investment Co. should be indemnified pursuant to those agreements.

WHEREFORE, Defendant, Philip's Investment Co. prays that Plaintiff take nothing by its pretended cause of action, that it have indemnification from Defendants Reilly Tar & Chemical Corporation and Housing and Redevelopment Authority of St. Louis

Park, as appropriate, and that it have judgment for its cost and disbursements herein.

PETERSON, ENGBERG & PETERSON

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Dated: October 31, 1980.

000349